UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,801	04/27/2001	Laurent Baretzki	206483US2X	2836

			EXAMINER
22850	7590	08/08/2005	NGUYEN, HAI V

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	09/842,801	BARETZKI, LAURENT
	Examiner	Art Unit	
	Hai V. Nguyen	2142	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>20july 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>03</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>17-42</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See additional sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

KAMINI SHAH
PRIMARY EXAMINER

Item 11 continuation: Applicant's arguments are not deemed to be persuasive. In the remark, Applicant argued in substance that:

Point (A), the prior art does not disclose that, "there is no a standby bus interface connecting the first and second routing units to each other" in claims 17.

As to point (A), Kanekar discloses in Fig. 9, a standby bus interface (Fig. 9, line 930 or line between 914 and 916) connecting the R1 and R2 to each other. Kanekar also discloses that the slave operates in a standby mode and therefore, obtains information by observing packets as they are received at the interfaces shared with the master (col. 7, lines 49-54)

Point (B), the pior art does not disclose that, "the second (slave) routing unit is not configured to deactivate the first (master) routing unit" in claims 17, 39.

As to point (B),Kanekar discloses in Fig. 12A that the routing processor of the slave sends a signal to the forwardin gengine to replace the references to the MAC address and IP address of the master with the MAC address and IP address of the slave, where appropriate (col. 12, lines 4-22).

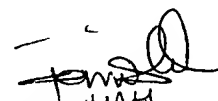Point (C), the prior art does not disclose the identical software and configuration files in claims 18.

As to point (C), Kanemar discloses that the master and slave have identical spaning tree databases and identical configurations (col. 7, lines 60-65; col. 6, lines 55-61).

Point (D), the prior art does not disclose that, " the slave does not deactivate the master by sending a reset command to the master via standby bus, the reset command executing a reset algorithm on the master" in claim 24.

As to point (D), Kanekar discloses that the routing processor of the slave sends a signal to the forwarding engine to repalce the references to the MAC address and IP address of the masrer with the MAC address and IP address of the slave, where appropriate (col. 12, lines 4-22).

As to poin t(E), the prior art does not disclose that, "wherein the pooling messages are exchanged via said network and standby bus interfaces , said polling messages carrying relevant to detecting said failure" in claim 25.

As to point (E), Kanekar discloses that the router dynamically exchange routing updates. Each router then updates its own routing table based upon the information gathered in each of the routing updates (col. 10, lines 37-54; col. 7, lines 49-54).

KAMINI SHAH
PRIMARY EXAMINER